

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1, 2, 4 and 6-10 are now present in the application. Claims 1, 2, 4, 6 and 7 have been amended. Claims 8-10 have been added. Claims 3 and 5 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 3, 5 and 7 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter by the Examiner.

By the present amendment, independent claim 1 has been amended to include the subject matter of allowable dependent claim 3, as discussed hereinbelow.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on December 21, 2006, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

Applicant has also submitted the references supplied with the Information Disclosure Statement filed on February 28, 2006 for consideration by the Examiner. However, Applicant has not received an initialed copy of the PTO-1449 form indicating that the references have been

considered by the Examiner. The Examiner is courteously requested to provide Applicant with an initialed copy of the PTO-1449 form filed therewith with the next official communication.

Drawings

Applicant thanks the Examiner for accepting the formal drawings of the instant application.

Claim Objections

Claims 1, 4, 6 and 7 have been objected to due to the presence of minor informalities. In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 4, 6 and 7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under Obviousness-type Double Patenting

Claims 1, 2, 4 and 6 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 7,308,833 in view of Applicant's own disclosure. This rejection is respectfully traversed.

As mentioned, since claims 1 has been amended to incorporate the allowable dependent claim 3, which is not identified in this rejection, Applicant respectfully submits that this rejection has been obviated and/or rendered moot. Accordingly, reconsideration and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's own disclosure in view of Muta, U.S. Patent No. 5,586,901. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

As mentioned, by the present amendment, independent claim 1 has been amended to include the subject matter of dependent claim 3, which was indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that claim 1 and its dependent claims (at least due to their dependency) are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Additional Claims

Claims 8-10 have been added for the Examiner's consideration. Applicant respectfully submits that claims 8-10 depend, either directly or indirectly, from amended independent claim 1, and is therefore allowable based on its dependence from amended independent claim 1, which is believed to be allowable. Consideration and allowance of claims 8-10 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

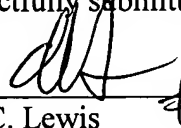
Application No. 10/569,950
Amendment dated March 6, 2008
Reply to Office Action of December 6, 2007

Docket No.: 4731-0128PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 6, 2008

Respectfully submitted,

By  #61007
for Paul C. Lewis
Registration No.: 43,368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant